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EXAMINER

CHOJNACKI, MELLISSA M

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/816,887	Applicant(s) PUGH, WILLIAM A.	
	Examiner MELLISSA M. CHOJNACKI	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,9-12,15,16,19,20,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-6, 9-12, 15-16, 19-20, and 39-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on June 11, 2009, claims 7-8 and 17-18 are cancelled, claims 1-2, 5-6, 9-12, 15-16, and 19-20 are amended, and new claims 39-40 have been added. Therefore, claims 1-2, 5-6, 9-12, 15-16, 19-20, and 39-40 are still presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-6, 9-12, 15-16, 19-20, and 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Shaughnessy (U.S. Patent No. 7,219,302).

As to claim 1, O'Shaughnessy teaches a computer implemented method of copying an application that comprises non-file system structures including a data table and corresponding schema (See abstract; Fig. 4; column 1, lines 30-58; column 8, lines 37-44, column 4, lines 32-48), the method comprising:

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initializing a resulting file (See abstract; Fig. 4; column 1, lines 30-58; column 8, lines 37-44, column 4, lines 32-48);

creating a root directory within the resulting file (See abstract; Fig. 4; column 1, lines 30-58; column 8, lines 37-44, where “folder structure” is read on “directory”; column 4, lines 32-48);

creating an application level data directory under the root directory (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41);

creating one or more storage objects under the application level directory (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41);

storing a structural description of the application in a first storage object (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41);

creating one or more data table directories under the application level data directory based on the structural description (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41, where “directories” is read on “folders”); and

copying the data table in a second storage object and the schema in a third storage object, wherein the second storage object and third storage object are under a first data table directory (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41; column 6, lines 14-32; column 12, lines 18-53).

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As to claim 2, O'Shaughnessy teaches wherein the initializing comprises initializing a compressible file (See column 5, lines 21-30; column 14, lines 15-34).

As to claims 5 and 15, O'Shaughnessy teaches initializing a fourth storage object under the application level data directory to store a user description describing users of the application (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41; column 6, lines 14-32; column 12, lines 18-53); and

copying and storing the user description in the fourth storage object (See abstract; Fig. 4 and Fig. 5; column 6, lines 14-32; column 12, lines 18-53).

As to claims 6, 16, and 40, O'Shaughnessy teaches the application is a web based application (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41; column 6, lines 14-32; column 12, lines 18-53).

As to claims 9 and 19, O'Shaughnessy teaches the application comprising files and an application control list, the method further comprising copying the files under the root directory (See abstract; Fig. 4 and Fig. 5; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41; column 6, lines 14-32; column 12, lines 18-53).

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As to claims 10 and 20, O'Shaughnessy teaches converting the application control list into an XML format (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41; column 5, lines 55-60).

As to claim 11, O'Shaughnessy teaches an apparatus comprising:
storage medium having stored therein programming instructions (See abstract), when executed, operate the apparatus to copy an application that comprises non-file system structures including a data table and corresponding schema by:

initializing a resulting file (See abstract; Fig. 4; Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41; column 8, lines 37-44; column 4, lines 32-48);

creating a root directory within the resulting file (See abstract; Fig. 4; column 1, lines 30-58; column 8, lines 37-44, where "folder structure" is read on "directory"; column 4, lines 32-48);

creating an application level data directory under the root directory (See Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41);

creating one or more storage objects under the application level directory (See abstract; Fig. 4; column 1, lines 30-58; column 8, lines 37-44, where "folder structure" is read on "directory"; column 4, lines 32-48);

storing a structural description of the application in a first storage object (See column 1, lines 59-67; column 2, lines 1-15, lines 38-59);

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creating one or more data table directories under the application level data directory based on the structural description (See column 1, lines 59-67; column 2, lines 1-15, lines 38-59); and

copying the data table in a second storage object and the schema in a third storage object, wherein the second storage object and third storage object are under a first data table directory (See abstract; Fig. 4 and Fig. 5; column 6, lines 14-32; column 12, lines 18-53).

As to claim 12, O'Shaughnessy teaches wherein the programming instructions, when executed, operate the apparatus to initialize a compressible file to store the application (See column 5, lines 21-30; column 14, lines 15-34).

As to claim 39, O'Shaughnessy teaches a computer-readable medium having instructions stored thereon that, when executed by a processor, cause the processor to copy an application that comprises non-file system structures including a data table and corresponding schema, the copying comprising:

initializing a resulting file (See abstract; Fig. 4; Figs. 4-11; column 1, lines 30-58; column 2, lines 38-67; column 3, lines 1-41; column 8, lines 37-44; column 4, lines 32-48);

creating a root directory within the resulting file; creating an application level data directory under the root directory; creating one or more storage objects under the application level directory (See column 1, lines 59-67; column 2, lines 1-15, lines 38-59);

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storing a structural description of the application in a first storage object (See column 1, lines 59-67; column 2, lines 1-15, lines 38-59, column 8, lines 37-44, where “folder structure” is read on “directory”; column 4, lines 32-48);

creating one or more data table directories under the application level data directory based on the structural description (See column 1, lines 59-67; column 2, lines 1-15, lines 38-59, column 8, lines 37-44, where “folder structure” is read on “directory”; column 4, lines 32-48); and

copying the data table in a second storage object and the schema in a third storage object, wherein the second storage object and third storage object are under a first data table directory (See abstract; Fig. 4 and Fig. 5; column 6, lines 14-32; column 12, lines 18-53).

Response to Arguments

4. Applicant's arguments filed on 11-June-2009, with respect to the rejected claims 1-2, 5-6, 9-12, 15-16, 19-20, and 39-40 have been fully considered but they are not found to be persuasive:

In response to applicants' arguments regarding “***O'Shaughnessy fails to disclose the majority of the recited functionality of claim 1 or the other present claims, which allow an application such as a web based application, to be copied in a database and operating system independent manner. The remaining cited prior art also fails to disclose the claimed functionality. In contrast to O'Shaughnessy, amended independent claim 1 recites ‘storing a structural description of the application in a first storage***”

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object' and 'copying the data table in a second storage object and the schema in a third storage object'," the arguments have been fully considered but are not found to be persuasive, because as argued before by the examiner that O'Shaughnessy discloses computer applications, software or programs (application level data directory) that use the folder structure (directory) to store their folder structures (See column 1, lines 59-67; column 2, lines 1-59; column 3, lines 23-41). Each folder in the O'Shaughnessy structure discloses different information.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELLISSA M. CHOJNACKI whose telephone number is (571)272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 13, 2009

Mmc

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164